

REMARKS/ARGUMENTS

Applicant respectfully traverses the rejection of claims 49, 50, and 69 under 35 U.S.C. § 112 ¶ 2 as being indefinite for certain terms lacking antecedent basis. Claims 49 and 50 are amended to recite “a total number” instead of “the total number”. As to claim 69, the Examiner at page 2 of the Office action points to the phrase “the time derivative”. But in Applicant’s April 30, 2003 Amendment, claims 46, 69, and 98 were amended to delete “time derivative” and add “rate of change”. (See 4/30/03 Amendment at 6.) The Examiner makes no indefiniteness rejection concerning “the rate of change” in claims 46 and 98; thus, no such rejection is warranted for claim 69. Claims 49, 50, and 69 are therefore definite.

Applicant also respectfully traverses the rejection of claims 65-69 and 94-98 under 35 U.S.C. § 112 ¶ 1 as containing new matter. These claims refer to a “bar graph”, “all of the bars”, segments of a bar”, or “segments of the bar”, or depend from a claim that recites one of those phrases.

In fact, examples of the “bars” or “bar graph” are shown in Table 2 of U.S. Patent No. 6,006,191 to Di Rienzo, the present Applicant. (See Di Rienzo ’191 patent at col. 24, lines 12-21.) (The present application is related to the application that issued as the ’191 patent.) In Table 2, there is one “bar” under the column labeled “\$105”; there are two bars each under the “\$100” and “\$85” columns; and four bars each under the “\$95” and “\$90” columns. The bar or set of bars under each column, or the set of all the bars depicted in the table, are examples of “bar graphs”. The exemplary bars and bar graphs depicted in Table 2 of the ’191 patent are similar to bars and bar graphs displayed, for example, on audio graphic equalizers. Given the disclosure in the Di Rienzo ’191 patent, which is carried over to the present application, claims 65-69 and 94-98 present no new matter and therefore satisfy § 112 ¶ 1. Examination of these claims on the merits is respectfully requested.

Applicant further respectfully traverses the rejection of claims 1, 3, 9, 10, 29-31, 35, 39-44, 48-58, 60-64, 70-76, 79-87, 89-93, 103-104, 106-111, and 113 under § 102(b) as being anticipated by the Silverman '501 patent.

The '501 patent discloses a kind of automated order-matching system: a computer acts as an intermediary to match currency orders placed by buyers with currency orders placed by sellers. As the '501 patent teaches, buy and sell orders are first submitted for consideration by an order-matching function. It is this computerized, automated matching function — not a buyer or seller — that chooses a transaction to make and directs execution of that transaction. (*See, e.g.*, Silverman '501 patent at col. 3, lines 18-27; col. 6, line 66 - col. 7, line 15; col. 14, line 57 - col. 15, line 28; col. 16, lines 33-37.)

In contrast, the present invention teaches a buffer memory that uses no computer intermediary to perform matching, instead permitting a user to choose and directly execute a transaction. In particular, claim 1 recites “one of said second users elects to receive a selected one of said digital information blocks.” Additionally, as the specification makes clear, a transaction is chosen and the execution of that transaction is directed when a digital information block is selected by the user, such as a physician. (*See, e.g.*, Di Rienzo '191 patent at col. 18, lines 1-3; col. 28, lines 1-4.) The Examiner acknowledged this key difference following an April 7, 2003 interview with the Applicant and his attorney: “Examiner does agree that Silverman et al. discloses a centralized decision making function, rather than delegating the decision making function to the end users.” (4/7/03 Interview Summary (Paper No. 22) at 3.)

The Examiner does not address this key difference between the present invention and the prior-art Silverman '501 patent. Instead, adverting only to what the Examiner for some reason characterizes as “Applicant’s fundamental argument,” the Examiner maintains that the Silverman '501 patent discloses a system in which individuals users dictate where their bids or offers will fall into a hierarchy. (7/30/03 Office action at 11-12.)

Even if that is so, there is no indication that the Silverman '501 patent teaches any system or method that permits a user to choose and directly execute a transaction. In addition to the above-quoted language from claim 1, the other independent claims subject to this § 102 rejection specifically recite this selection capability for a user, service provider, or requester:

- claim 29: “a work order summary having an indicia of the priority attached to one of the work order packages by a respective requester”; “a second communications channel for receiving the respective work order summaries and a selected one of the work orders”; and “a third computer system for selecting the selected one of the respective work orders based on the work order summaries” that the requesters provide;
- claim 35: “wherein the system is configured in such a manner as to enable any one or more of the service providers to select and extract one or more of the work orders”;
- claim 39: “all of the digital information blocks are freely selectable by at least one of the respective users”;
- claim 70 (currently amended): “whereby the GUI displays the graphic indicators for all offers to buy and sell . . . to thereby permit any buyer to select any offer to sell and any seller to select any offer to buy”;
- claim 103 (currently amended): “each of the third users is presented with a link list ordered responsive the indicia associated with the links stored in the buffer memory and permitted to select any of the links”; and
- claim 107 (currently amended): “the GUI permitting any of the third users to select any of the N electronic information blocks”.

Given these express limitations, which are nowhere taught by the Silverman '501 patent, claim 1 (and dependent claims 3, 9, and 10), claim 29 (and dependent claims 30-31), claim 35, claim 39 (and dependent claims 40-44, 48-58, and 60-64), claim 70 (and dependent claims 71-76,

79-87, and 89-93), claim 103 (and dependent claims 104 and 106), and claim 107 (and dependent claims 108-111 and 113) are not anticipated.

Applicant also respectfully traverses the rejection of claims 4-8 under § 102(b) as being anticipated by the Inga '520 patent. The '520 patent describes a system that provides simultaneous automated access to a common database by a plurality of remote subscribers. (*See, e.g.,* Inga '520 patent at Abstract.) There is no suggestion whatever of providing a system that permits a user — such as a diagnostic service provider — to select an image for the kind of processing that the present invention discloses. As with the present application's other independent claims described above, claim 4 also recites the selection-capability limitation: "wherein the system is configured in such a manner as to enable the diagnostic service provider to select one or more of the digital medical images". Because this limitation is nowhere suggested in the Inga '520 patent, claim 4 and dependent claims 5-8 are not anticipated by that prior-art reference.

Applicant further respectfully traverses the rejection of claims 2, 32, 45, 46, 47, 77, 78, 105, and 112 under § 103(a) as being obvious in view of the Silverman '501 patent. All of these claims depend from an independent claim that includes the selection-capability limitation, which is nowhere taught or suggested by the Silverman '501 patent. For at least this reason, these claims are therefore nonobvious in view of the Silverman reference.

Applicant respectfully submits that no new matter is presented by the amendments made herein, and that the application is in condition for allowance; a Notice to that effect is respectfully solicited.

The original due date for responding to the Office action was October 30, 2003. Accordingly, filed with this Amendment is a Petition for Extension of Time (three months), which renders this Amendment timely.

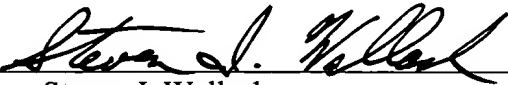
Appl. No. 09/439,343
Amdt. dated January 29, 2004
Reply to Office action of July 30, 2003

No fee is believed to be due with this Amendment. A fee is enclosed with the Petition for Extension of Time. The Director is authorized to charge any fee deficiency regarding that Petition or this Amendment to Morrison Cohen Singer & Weinstein, LLP Deposit Account No. 502771. A duplicate of this sheet is enclosed.

Respectfully submitted,

Morrison Cohen Singer & Weinstein, LLP

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